

Message

From: Wu, Jennifer [Wu.Jennifer@epa.gov]
Sent: 9/20/2018 8:59:50 PM
To: Soscia, Mary Lou [Soscia.Marylou@epa.gov]
Subject: RE: Clarification on 401(a)(2) request on Washington hydro dams

Yeah – I'd think so!

From: Soscia, Mary Lou
Sent: Thursday, September 20, 2018 1:55 PM
To: Wu, Jennifer <Wu.Jennifer@epa.gov>
Subject: RE: Clarification on 401(a)(2) request on Washington hydro dams

Ok, thanks, good to know. 😊
Wouldn't their 401 review influence their permit?????

Mary Lou Soscia | Columbia River Coordinator | US EPA
805 S.W. Broadway, Suite 500 | Portland, OR 97205
503.326.5873
www.epa.gov/columbiariver

From: Wu, Jennifer
Sent: Thursday, September 20, 2018 1:25 PM
To: Soscia, Mary Lou <Soscia.Marylou@epa.gov>
Subject: RE: Clarification on 401(a)(2) request on Washington hydro dams

Hi Mary Lou, no idea of their timeline. Beth Moore might be taking over, but the person who had worked on them (can't remember her name, but you might know), left for another position at DEQ. If we talk with DEQ, we can ask them.

From: Soscia, Mary Lou
Sent: Thursday, September 20, 2018 12:56 PM
To: Wu, Jennifer <Wu.Jennifer@epa.gov>
Subject: RE: Clarification on 401(a)(2) request on Washington hydro dams

Jenny:

Thanks, no need to answer this except when you have time.
What is status of OR DEQ permits and do you know who is working on them?

ml

Mary Lou Soscia | Columbia River Coordinator | US EPA
805 S.W. Broadway, Suite 500 | Portland, OR 97205
503.326.5873
www.epa.gov/columbiariver

From: Wu, Jennifer
Sent: Thursday, September 20, 2018 12:51 PM
To: Christensen.Sara@deq.state.or.us; MOORE Beth <Beth.MOORE@state.or.us>

Cc: DOUGHTEN Ron <Ron.A.DOUGHTEN@state.or.us>; Burgess, Karen <Burgess.Karen@epa.gov>; Weber, Courtney <Weber.Courtney@epa.gov>; Soscia, Mary Lou <Soscia.Marylou@epa.gov>

Subject: Clarification on 401(a)(2) request on Washington hydro dams

Hi Sara and Beth,

Thanks for your phone calls. I realize there may be some confusion on the 401(a)(2) requests that we will be sending out to DEQ on upcoming EPA NPDES permits for the US Army Corps dams on the Lower Columbia River and the Lower Snake River. These permits will be for Bonneville Project, The Dalles Lock and Dam, John Day Project, McNary Lock and Dam, Ice Harbor Lock and Dam, Lower Monumental Lock and Dam, Little Goose Lock and Dam, Lower Granite Lock and Dam, but only the outfalls that discharge into Washington waters. These permits authorize discharges into the receiving waters of oil and grease and pH primarily from drainage sumps and cooling water. They do not discuss dredged materials, nor do the permittees ask for coverage for these.

I'd like to offer a phone call to anyone interested at DEQ for me to discuss the permits, any questions you have, and the 401(a)(2) process. If you're interested, please let me know.

As background information, here's a link to the 401 certification requirements: <https://www.epa.gov/cwa-404/clean-water-act-section-401-certification>. To clarify, I'm seeking 401(a)(1) certification from Washington Department of Ecology, since the outfalls discharge directly into Washington waters. Generally speaking, this requires public notice, and EPA could not issue the permit without Ecology's 401(a)(1) certification unless it were waived under conditions set forth in 401(a)(1). There are additional requirements and considerations at 401(a)(3), 401(a)(4), and 401(a)(5) also pertain to 401(a)(1). I believe, in general, EPA has not issued a permit until receiving 401(a)(1) certification from states and tribes though there may have been exceptions.

I'm completing the 401(a)(2) process with DEQ where our permits may affect downstream Oregon waters. In this process, EPA must notify Oregon that we plan to issue permits that may affect Oregon waters downstream. Once DEQ receives the letter, Oregon has 60 days within which to notify EPA that discharges will violate downstream standards. Oregon has a right to object to the permit, in which case we would need to hold a public hearing. If EPA does not hear from Oregon within 60 days, then the permit is considered not to affect downstream state waters.

Feel free to let me know if you would like to discuss more or if you'd like to discuss how our proposed permit might affect permits that DEQ will be writing for the Oregon outfalls for the Lower Columbia River federal dams. As I mentioned to Beth, we will be sending out 401(a)(2) requests to DEQ today or tomorrow.

Jenny Wu
Environmental Engineer, NPDES Permits Unit
EPA Region 10
1200 6th Avenue, Suite 155 (OWW-191)
Seattle, WA 98101
206-553-6328